



**CALIFORNIA STATE
PUBLIC WORKS BOARD**

ARNOLD SCHWARZENEGGER, GOVERNOR

915 L STREET ■ NINTH FLOOR ■ SACRAMENTO CA ■ 95814-3706 ■ (916) 445-9694

AGENDA WITH ANALYSIS

**NOTICE OF MEETING
STATE PUBLIC WORKS BOARD
Tuesday, February 16, 2010**

The **STATE PUBLIC WORKS BOARD** will meet on
**Tuesday, February 16, 2010, at 10:00 a.m. in Room
2040, State Capitol, Sacramento, California.**

In accordance with provisions of Section 11125 of the
Government Code, a copy of the Agenda is attached.

Greg Rogers
Administrative Secretary

Attachment

STATE PUBLIC WORKS BOARD

**Tuesday,
February 16, 2010**

10:00 a.m.

Room 2040

State Capitol
Sacramento, California

I. Roll Call

Ana J. Matosantos, Director, Department of Finance
Ronald Diedrich, Acting Director, Department of General Services
Randell Iwasaki, Director, Department of Transportation
John Chiang, State Controller
Bill Lockyer, State Treasurer

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Ms. Pam Harris, Acting Director, Employment Development Department
(Advisory Member)

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Assembly Member, Mike Eng, Legislative Advisor
Assembly Member, Mary Hayashi, Legislative Advisor
Assembly Member, Sandre Swanson, Legislative Advisor
Senator, Mark J. DeSaulnier, Legislative Advisor
Senator, Denise Ducheny, Legislative Advisor
Senator, Abel Maldonado, Legislative Advisor

II. Approval of minutes from the [January 11, 2010](#) meeting

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CONSENT ITEMS

CONSENT ITEM—1

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
DORRIS BRANCH COURTHOUSE
SISKIYOU COUNTY

AOC Facility Number 47-B1, DGS Parcel Number 10625

Authority: Trial Court Facilities Act of 2002, Chapter 1082, Statutes of 2002, commencing with Section 70301 of the Government Code, as amended.

Consider accepting real property through a transfer of title

CONSENT ITEMS

STAFF ANALYSIS ITEM—1

Judicial Council of California
Administrative Office of the Courts
Dorris Branch Courthouse
Siskiyou County

Action Requested

If approved, the requested action would authorize the acceptance of real property through a transfer of title.

Scope Description

This project is within scope. The County of Siskiyou (County) is transferring fee title in and to the Court Facility commonly known as the Dorris Branch Courthouse located at 324 North Street Dorris, California (Court Facility) to the State of California (state) acting by and through the Judicial Council of California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Transfer Agreement between the Council, AOC, and the County for the Transfer of Responsibility and Title for Court Facility dated September 9, 2008 (Transfer Agreement). The Court Facility consists of approximately 0.3 acres of real property improved with a one story building reported to have been constructed in 1974, a parking lot, and associated landscaping. The County exclusively occupies 773 square feet or 31.9 percent of the building;

the State exclusively occupies 1,647 square feet or 68.1 percent of the building. The AOC and the County have entered into a Joint Occupancy Agreement (JOA) which identifies the AOC as the delegated managing party and which provides the rights and responsibilities of the County and State parties with respect to occupancy and management of the Court Facility. Following the no-cost transfer of title, the AOC shall be responsible for the funding and operation of the Court Facility.

Funding and Cost Verification

This transaction is within cost. The County shall not be entitled to compensation for any equity value in the square footage occupied by the Superior Court in the Court Facility pursuant to the Trial Court Facilities Act of 2002 (the Act). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on November 24, 2008. The 35-day statutes of limitation period expired on December 29, 2008, without challenge.

Project Schedule

The estimated close of escrow is March 2010.

Condition of Property

The Phase 1 Environmental Site Assessment was conducted for the building and seismic assessments. The following findings were made:

Phase I:

A Phase I report was completed in December 17, 2008, in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The report indicates, due to the age of the building, the possible presence of lead-containing paint. The report also found no off-site recognized environmental conditions with respect to the subject site.

Building Assessment:

Staff from the AOC's Office of Court Construction and Management (OCCM) conducted an initial site visit of the Court Facility on October 15, 2005, to assess the general condition of the property. Staff has visited the site on several occasions since the initial site visit to monitor the condition of the Court Facility. The site visits entailed a tour of the facility and surrounding property including a review of the real property for apparent conditions that could adversely impact the habitability or safety of the property; identification of furnishings, fixtures, and equipment that the County will transfer and convey to the State along with the real property; and to identify any tenancies, encroachments, apparent easements, or other rights to occupy or use the property that might be vested in parties other than the County or the Court. OCCM concluded that the Court Facility did not contain any apparent hazards to the health and safety of the occupants or property.

Seismic Safety Assessment of the Improvements:

Pursuant to Section 70327(e) (2) of the Government Code, the Court Facility is exempt from the requirement for a seismic safety assessment because the facility is less than 10,000 square feet in size.

Other

- The State may refuse to accept responsibility for a Court Facility only if (a) the Court Facility contains one or more deficiencies as defined in Government Code Section 70326(b), and (b) the County and the AOC have not made provision for the correction of the deficiencies as part of the Transfer Agreement (TA) pursuant to Government Code Section 70326(b) or Section 70327(d). Neither of these situations pertains to this transaction.
- The County adopted a Resolution on October 3, 2008, approving the TA to transfer title and responsibility of the Court Facility to the State and authorizing the Chair of the Board of Supervisors to execute the TA, Grant Deed, and any other documents necessary for the transfer of responsibility and title to the Court Facility to the State.
- The TA requires delivery of title to the property free and clear of any mortgages or liens.
- In accordance with the Act, the TA provides for the transfer of parking spaces for judges, jurors, and Court users in the number and type as was made available for Court use as of October 1, 2001.
- The Phase I report indicates, due to the age of the building, the possible presence of lead-containing paint. Prior to any structural changes or renovations, all appropriate local, State, and federal rules/regulations will be followed with respect to the handling and disposal of these materials.
- The TA provides that the County indemnify the State against any liability imposed on the State pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.), or related provisions, for conditions that existed in, on, or under the real property at the time of transfer whether known or not known to the County.
- The AOC is not aware of any lawsuits pending concerning the property.
- There are no historic issues, implied dedication, or relocation assistance associated with the transfer of the Court Facility.

Staff Recommendation: **Authorize the acceptance of real property through a transfer of title.**

CONSENT ITEMS

CONSENT ITEM—2

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
MODESTO MAIN COURTHOUSE AND HALL OF RECORDS
STANISLAUS COUNTY
AOC Facility Numbers 50-A1 and 50 A-2, DGS Parcel No. 10619

Authority: Trial Court Facilities Act of 2002, Chapter 1082, Statutes of 2002, commencing with Section 70301 of the Government Code, as amended.

Consider accepting real property through a transfer of title

CONSENT ITEMS

STAFF ANALYSIS ITEM—2

Judicial Council
Administrative Office of the Courts
Modesto Main Courthouse and Hall of Records
Stanislaus County

Action Requested

If approved, the requested action would authorize the acceptance of real property through a transfer of title.

Scope Description

This transaction is within scope. The County of Stanislaus (County) is transferring fee title in and to approximately 1.2 acres of real property which includes the two-story Modesto Main Courthouse and four-story Hall of Records located respectively at 800 11th Street and 1100 I Street, Modesto, California (Court Facility), to the State of California (State) acting by and through the Judicial Council of California (Council), Administrative Office of the Courts (AOC), pursuant to that certain "Transfer Agreement Between the Council, AOC and the County for the Transfer of Responsibility for Court Facility, dated December 9, 2008 (Transfer Agreement). The Modesto Courthouse and Hall of Records were constructed in 1960, and are located on an

approximate two-acre parcel, which for purposes of this transfer will be subdivided into four separate parcels.

A title survey was completed by the AOC and the County to subdivide the parcels into: (i) Parcel A: Stanislaus County Park; (ii) Parcel B: Stanislaus County Jail and Jail Sally port; (iii) Parcel C: Modesto Main Courthouse and Hall of Records; and (iv) Parcel D: Transferred Parking Area. Parcels A and B will be retained by the County. The County will transfer both Parcels C and D to the State; however, this item represents the transfer of title to Parcel C only. The AOC shall occupy approximately 85,000 square feet of floor space in both the Modesto Main Courthouse and Hall of Records and maintain a 77.8 percent equity share of the Court Facility. The County will occupy approximately 24,000 square feet of floor space and maintain 22.2 percent equity share of the Court Facility.

Parcel D, comprised of 44 parking spaces for the exclusive use of the judicial officers of the Superior Court (Court) and the Court management staff, will be conveyed to the State when County's removes the bonded indebtedness from this parcel by means of an asset substitution. Once the bonded indebtedness is removed, this approximately 0.4 acre parcel will remain as a transfer of responsibility only.

Funding and Cost Verification

This transaction is within cost. The County shall be entitled to compensation for its equity should the State decide to exercise its rights under Government Code Sec. 70344(b). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on June 3, 2008. The 35-day statutes of limitation period expired on July 8, 2008, without challenge.

Project Schedule

The estimated close of escrow is March 2010.

Condition of Property

A Phase I Environmental Site Assessment was conducted for the building and seismic assessments. The following findings were made:

Phase I

A Phase I Environmental Assessment Report was completed on March 14, 2007, in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The report identified:

- An on-site recognized environmental condition (REC) regarding the removal of an underground storage tank (UST) on the Modesto Courthouse site.
- Three off-site RECs that include: (1) the removal of an UST across the street at 12th and H Street, which was closed by the County of Stanislaus Hazardous Materials Division on April 10, 2008, with the issuance of a No Further Action letter; (2) a historical printing operation located across from the subject property that showed no reports on chemical use; and (3) the property lying adjacent and southeast of the subject property was a hazardous waste and substance site which generated photo processing/photochemical wastes that may have the potential to adversely impact the subject property.
- Based on the age of the facility, the site contains asbestos-containing materials (ACM), lead based paint (LBP) and the presence of polychlorinated biphenyl (PCB).

The AOC found that in 1988, the Modesto Building Department was issued a permit for the removal of a 1,500 gallon capacity UST at the Modesto Main Courthouse property and the removal of photographic waste at the jail property. The project was initiated by the County as a pro-active effort to upgrade the facility and prevent any contamination problem from occurring in the future. At the request of the AOC, a "No Further Action Letter" was issued from the County Department of Environmental Resources. Since all of the off-site RECs were satisfied, the AOC determined that a Phase II was not necessary at this time.

Building Assessment

On August 15, 2005, a building walk-through was conducted by the AOC for Cal/OSHA compliance. The site visit entailed a tour of the facility and surrounding property including a review of the real property for apparent conditions that could adversely impact the habitability or safety of the property. The assessment was also for purposes of identifying any tenancies, encroachments, apparent easements, or other rights to occupy or use the property that might be vested in parties other than the County or the Court. As a part of the transfer transition process, follow-up site visits were conducted by the AOC Facility Management Unit (FMU) and FMU found that the building condition is similar to that described during the initial site visit. No deficiency that constitutes a significant threat to life, safety, or health was observed.

Seismic Safety Assessment of the Improvements

Licensed structural engineers performed Tier I seismic safety assessments for both the Modesto Main Courthouse and Hall of Records in accordance with the method and criteria developed by the Department of General Services' Real Estate Services Division. This seismic evaluation of the Court Facility was then peer-reviewed by other qualified engineers.

The studies determined that the Modesto Courthouse building has a seismic safety rating of Level IV, as defined in the Risk Acceptability Table of the State Building Seismic Program, developed by the Division of State Architect, April 1994. The Hall of Records was rated as a Level V and as such, will be transferred to the State pursuant to the provisions of Government Code section 70324 (SB 10), which provides that the County shall be responsible for any seismic-related damage and injury, the county shall indemnify, defend, and hold the State harmless from those claims.

Other

- The County adopted a Resolution on December 9, 2008, approving the Transfer Agreement to transfer title and responsibility of the Court Facility to the State.
- The terms of the Transfer Agreement specifies that the County reserves the exclusive rights to use and occupy the County Underground Area. The Underground Area is a tunnel, holding cell, and building maintenance area which serves the County. A portion of the tunnel lies underneath the Modesto Courthouse and connects to the Hall of Records. The County will continue to have exclusive liability and responsibility for its operation, control and use. Furthermore, the County will have at any time, the right to discontinue or abandon the County underground area in accordance with the then applicable law.
- The Transfer Agreement acknowledges that the Court Facility was used as collateral for public financing obtained by the County. Prior to the transfer of title, the County will be responsible at its sole cost and expense for ensuring that for purposes of this transfer that the Court Facility will not be encumbered by any "Bonded indebtedness" as defined in Section 70301(1) of the Act.

- The AOC is not aware of any pending lawsuits or implied dedication concerning the property.
- The Joint Occupancy includes among other provisions, the Council's rights of first refusal and rights of first offer in favor of the County and Council to expand into and occupy the real property in accordance with Government Code Section 70342(e).
- The County assigned its interest to a Lease Agreement, wherein the Los Angeles County Law Library will continue to occupy both space on the second floor and a parking space in the parking area by means of an Assignment and Assumption of Occupancy Agreement dated November 18, 2008.
- The County has agreed to indemnify the State for any liability imposed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), or related provisions for conditions at the time of transfer whether known or not known that existed in, on, or under the real property.
- The Phase I report cites the presence of LBP, ACM & PCB in the building. Prior to any structural changes or renovations, all appropriate local, state, and federal rules/regulations will be followed with respect to the handling and disposal of these materials. Furthermore, prior to any ground disturbing activities, the AOC will follow all appropriate local, state, and federal rules and regulations with respect to handling and possible disposal of contaminated soil.
- The terms of the Transfer Agreement states that the County will continue to own and maintain, and the State will have uninterrupted use of and access to the Building Software, associated hardware or other common utility systems.
- It should be noted that the seismic evaluation of the Hall of Records has determined that in the event of seismic disturbance the facility may pose significant risk to persons and property which could create substantial liability to the State. However, the Transfer Agreement provides indemnification to the State for seismic related damage and injury per Government Code Section 70324.
- The transfer of parking spaces, as required by the Act, will be met with the future transfer of title to Parcel D to the State.
- There are no historic issues, relocation assistance, or implied dedication associated with the Court Facility.
- There are no historic issues associated with the Court Facility.

Staff Recommendation: **Authorize the acceptance of real property through a transfer of title.**

CONSENT ITEMS

CONSENT ITEM—3

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
POMONA SOUTH COURTHOUSE AND PARKING LOT
LOS ANGELES COUNTY

AOC Facility Number 19-W1, DGS Parcel Number 10629

Authority: Trial Court Facilities Act of 2002, Chapter 1082, Statutes of 2002, commencing with Section 70301 of the Government Code, as amended.

Consider accepting real property through a transfer of title

CONSENT ITEMS

STAFF ANALYSIS ITEM—3

Judicial Council of California
Administrative Office of the Courts
Pomona South Courthouse and Parking Lot
Los Angeles County

Action Requested

If approved, the requested action would authorize the acceptance of real property through a transfer of title.

Scope Description

This transaction is within scope. The County of Los Angeles (County) is transferring fee title in and to properties situated in Pomona, California, which includes the Court Facility commonly known as the Pomona South Courthouse with its attached parking lot located at 400 Civic Center Plaza; and another Parking Lot, located at 350 E. 7th Street (collectively, the Court Facility), to the State of California (State), acting by and through the Judicial Council of California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Transfer Agreement between the Council, AOC and the County for the Transfer of Responsibility and Title for Court Facility, dated December 16, 2008 (Transfer Agreement). The Court Facility,

constructed on August 12, 1969, consists of approximately 5.2 acres of real property improved with a two-story courthouse building with parking lot and associated landscaping; and a separate employee parking lot located directly across from the courthouse building. The Superior Court will occupy 106,339 square feet (91.1 percent) of the Court Facility, and the County will continue to occupy 10,340 square feet (8.9 percent). Following the no-cost transfer of title, the AOC shall be responsible for the funding and operation of the Court Facility.

Funding and Cost Verification

This transaction is within cost. The County shall not be entitled to compensation for any equity value in the square footage occupied by the Superior Court in the Court Facility pursuant to the Trial Court Facilities Act of 2002 (the Act). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on June 3, 2008. The 35-day statutes of limitation period expired on July 8, 2008, without challenge.

Project Schedule

The estimated close of escrow is March 2010.

Condition of Properties

A Phase 1 Environmental Site Assessment was conducted for the building and seismic assessments. The following findings were made:

Phase I:

A Phase I report was completed in April 2008 in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The report reported no on-site or off-site recognized environmental conditions with respect to the subject site; however, pointed out the following de minimus environmental conditions:

- A 1,000-gallon steel-walled above ground storage tank (AST) was observed within an enclosure immediately northwest of the entrance to the South Court building. The AST currently stores diesel fuel for an associated backup generator utilized by the Court Facility.
- A 5,000-gallon underground storage tank (UST) was closed on the subject property in 1998 and filled with slurry. A No Further Action letter was issued in 2000. As a precaution, the report recommended that in the event the area is excavated, soil and soil vapor monitoring should be completed near the former tank and piping.
- Based on the date of the Court Facility's construction, there is a potential for the presence of lead based paints (LBP), asbestos containing materials (ACM), and polychlorinated biphenyl (PCB)-contained in the building materials and light fixtures.

Building Assessment:

Staff from the AOC's Office of Court Construction and Management (OCCM) conducted its initial Court Facility site visit on November 8, 2007, to assess the general condition of the property. Staff made subsequent visits to monitor Court Facility's condition on an on-going basis. OCCM concluded that the Court Facility does not contain any apparent hazards to the health and safety of the occupants or property.

Seismic Safety Assessment of the Improvements:

Licensed structural engineers performed a Tier I seismic safety assessment of the building in June, 2003, and inspected and evaluated the Court Facility for seismic safety in accordance with the method and criteria developed by the Department of General Services' Real Estate Services Division. The AOC determined that the building has a seismic safety rating of Level V, as defined in the Risk Acceptability Table of the State Building Seismic Program, developed by the Division of State Architect, April 1994. The building is transferring to the State pursuant to the provisions of Government Code section 70324 (SB 10) which provides that the county shall be responsible for any seismic-related damage and injury, the County shall indemnify, defend, and hold the State harmless from those claims.

Other

- The County approved the Transfer Agreement to transfer title and responsibility of the Court Facility to the State on December 16, 2008, which requires that delivery of title to the property would be free and clear of any mortgages or liens.
- The AOC is not aware of any lawsuits pending concerning the property.
- The Transfer Agreement provides that the County's equity interest in the real property will be compensated should the Council sell or release title to the real property after the transfer of title.
- The Joint Occupancy Agreement provides for rights of first refusal and rights of first offer in favor of either the County or AOC, in the event that either party desires to vacate the Court Facility, in accordance with Government Code Section 70342(e).
- The County has agreed to indemnify the State for any liability imposed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), or related provisions for conditions at the time of transfer whether known or not known that existed in, on, or under the real property.
- The Phase I report indicates that it is likely that there are potential concerns for LBP, ACM in the building and PCB containing fluids in the electrical equipment manufactured prior to July 1979. Prior to any structural changes or renovations, all appropriate local, state, and federal rules/regulations will be followed with respect to the handling and disposal of these materials. The AOC will also seek all available information from the County for the ACMs, LBP and PCBs at the site. In absence of such data availability the AOC will conduct survey of possible hazards prior to any modification, or demolition
- It should be noted that the seismic evaluation has determined that in the event of seismic disturbance the facility may pose significant risk to persons and property which could create substantial liability to the State. However, the Transfer Agreement provides indemnification to State for seismic related damage and injury per Government Code Section 70324.
- The Transfer Agreement includes the AOC's acceptance of certain assigned and unassigned occupancy agreements from the County. The occupancy agreements represent parties that currently use or occupy the Court exclusive-use or common areas of the Court Facility.
- There are no historic issues, relocation assistance, or implied dedication associated with the Court Facility.
- In accordance with the Act, the Transfer Agreement provides for the transfer of parking spaces in the number and type as was made available for Court use as of October 1, 2001.

- The terms of the Transfer Agreement state that the County will continue to offer its information technology and telecommunication services to the State. Effective as of the closing, the AOC grants the County rights of ingress, egress and access to all parts of real property to which any component, subcomponent, or connection to the technology or telecommunications systems is located

Staff Recommendation: **Authorize the acceptance of real property through a transfer of title.**

CONSENT ITEMS

CONSENT ITEM—4

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
SOUTH CIVIC CENTER
LAKE COUNTY

AOC Facility Number 17-B1, DGS Parcel Number 10630

Authority: Trial Court Facilities Act of 2002, Chapter 1082, Statutes of 2002, commencing with Section 70301 of the Government Code, as amended.

Consider accepting real property through a transfer of title

CONSENT ITEMS

STAFF ANALYSIS ITEM—4

Judicial Council of California
Administrative Office of the Courts
South Civic Center
Lake County

Action Requested

If approved, the requested action would authorize the acceptance of real property through a transfer of title.

Scope Description

This transaction is within scope. The County of Lake (County) is transferring fee title in and to the Court Facility commonly known as the South Civic Center located at 7000A S. Center Drive. in Clearlake, California (Court Facility), to the State of California (State) acting by and through the Judicial Council of California (Council), Administrative Office of the Courts (AOC), pursuant to that certain Transfer Agreement between the Council, AOC, and the County for the Transfer of Responsibility and Title for Court Facility dated September 23, 2008 (Transfer Agreement). The Court Facility was constructed in 1959 and is situated on approximately 1.2 acres of real property improved with a one-story courthouse building, parking area and associated landscaping. The Court Facility will be shared and occupied by the Superior Court and the County. The Superior Court occupies 5,080 square feet (74 percent) of the Court Facility, and the County will continue to occupy 1,828 square feet (26 percent). Following the no-cost transfer of title, the AOC shall be responsible for the funding and operation of the Court Facility.

Funding and Cost Verification

This transaction is within cost. The County shall not be entitled to compensation for any equity value in the square footage occupied by the Superior Court in the Court Facility pursuant to the Trial Court Facilities Act of 2002 (the Act). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on October 29, 2009. The 35-day statutes of limitation period expired on December 3, 2009, without challenge.

Project Schedule

The estimated close of escrow is March 2010.

Condition of Property

A Phase I Environmental Site Assessment was conducted for the building and seismic assessments. The following findings were made:

Phase I:

A Phase I report was completed in November 2007 in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The report found no on-site or off-site recognized environmental conditions with respect to the subject site, but did note various observations of interest:

- An above ground storage tank containing propane was observed on the southwest corner of the property, which fuels the building's heating system. There were no signs of tank leakage.
- There is an on-site water well which supplies potable water to the facility.

Building Assessment:

Staff from the AOC's Office of Court Construction and Management (OCCM) conducted an initial site visit of the Court Facility on December 18, 2008, to assess the general condition of the property. Staff has visited the site on several occasions since the initial site visit to monitor the condition of the Court Facility. The site visits entailed a tour of the facility and surrounding property including a review of the real property for apparent conditions that could adversely impact the habitability or safety of the property that the County will transfer and convey to the State; and to identify any tenancies, encroachments, apparent easements, or other rights to occupy or use the property that might be vested in parties other than the County or the Court. OCCM concluded that the Court Facility did not contain any apparent hazards to the health and safety of the occupants or property.

Seismic Safety Assessment of the Improvements:

A licensed structural engineer performed a Tier I seismic safety assessment of the building located in the Court Facility in April 2003, and inspected and evaluated the Court Facility for seismic safety in accordance with the method and criteria developed by the Department of General Services' Real Estate Services Division. This seismic evaluation of the Court Facility was then peer-reviewed by other qualified engineers.

The AOC determined that the building has a seismic safety rating of Level V, as defined in the Risk Acceptability Table of the State Building Seismic Program, developed by the Division of State Architect, April 1994. The building is transferring to the State pursuant to the provisions of Government Code section 70324 (SB 10), which provides that the county shall be responsible

for any seismic-related damage and injury, the County shall indemnify, defend, and hold the State harmless from those claims.

Other

- The County adopted a Resolution on September 23, 2008, approving the Transfer Agreement to transfer title and responsibility of the Court Facility to the State free and clear of any mortgages or liens.
- The AOC is not aware of any lawsuits pending concerning the property.
- The Transfer Agreement identifies a propane fuel storage tank that provides propane fuel for certain building equipment. In the event that the legal description does not encompass the location of the storage tank, the County has agreed to execute any easements or other agreements necessary to allow the State access and use of the propane fuel storage tank.
- The Joint Occupancy Agreement provides for rights of first refusal and rights of first offer in favor of either the County or AOC, in the event that either party desires to vacate the Court Facility, in accordance with Government Code Section 70342(e).
- The County has agreed to indemnify the State for any liability imposed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), or related provisions for conditions at the time of transfer whether known or not known that existed in, on, or under the real property.
- It should be noted that the seismic evaluation has determined that in the event of seismic disturbance the facility may pose significant risk to persons and property which could create substantial liability to the State. However, the Transfer Agreement provides indemnification to the State for seismic related damage and injury per Government Code Section 70324.
- There are no historic issues, relocation assistance, or implied dedication associated with the Court Facility.
- The Transfer Agreement provides for the transfer of parking spaces in the number and type as was made available for Court use as of October 1, 2001.
- The terms of the Transfer Agreement state that the County will continue to offer its information technology and telecommunication services to the State. Effective as of the closing, the AOC grants the County rights of ingress, egress and access to all parts of real property to which any component, subcomponent, or connection to the technology or telecommunications systems is located.

Staff Recommendation: **Authorize the acceptance of real property through a transfer of title.**

CONSENT ITEMS

CONSENT ITEM—5

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW INDIO JUVENILE AND FAMILY COURTHOUSE (JUVENILE HALL SITE)
RIVERSIDE COUNTY
AOC Facility Number 33-C5, DGS Parcel Number 10627

*Authority: Chapter 311, Statutes of 2008
Chapter 1, Statutes of 2009, Third Extraordinary Session, as amended by
Chapter 1, Statutes of 2009, Fourth Extraordinary Session, Item 0250-301-3138(6)*

Consider authorizing site selection

CONSENT ITEMS

STAFF ANALYSIS ITEM—5

Judicial Council of California
Administrative Office of the Courts
New Indio Juvenile and Family Courthouse (Juvenile Hall Site)
Riverside County

Action Requested

If approved, the requested action would authorize site selection.

Scope Description

This project is within scope. This requested action would authorize site selection of approximately 4 acres for the construction of a new 5-courtroom, 68,000 square foot facility with associated improvements for use by the Superior Court of California (Court) for judicial, administrative, and related purposes. The project will provide surface parking and secure parking for judicial officers and staff. This county-owned site is presently improved with the existing courthouse facility which will be demolished after construction of the new courthouse. The property is bounded on the north and west by Juvenile Hall and on the south by Riverside County (County) health department and probation offices. Location is approximately 0.8 mile from Larson Justice Center and approximately 2.7 miles from the Interstate Route 10 interchange.

Funding and Cost Verification

This project is within cost. Chapter 1, Statutes of 2009, Third Extraordinary Session, as amended by Chapter 1, Statutes of 2009, Fourth Extraordinary Session, Item 0250-301-3138(6) provides \$4,419,000 for land acquisition. This property can be acquired with the funds available and in accordance with legislative intent.

CEQA

Subsequent to the site selection process and in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000-21177) and pursuant to Section 15063 of Title 14 of the California Code of Regulations, the Judicial Council of California (Council), acting in the capacity of Lead Agency, will undertake the preparation of an Initial Study to determine if the proposed project would have a significant environmental impact. The CEQA documentation will be submitted with a future request for acquisition authorization.

Project Schedule

Estimated close of escrow	June 2010
Approve preliminary plans	May 2012
Complete working drawings	January 2013
Complete construction	November 2014

Condition of Property

On January 5, 2010, the Department of General Services (DGS) staff conducted a site visit to assess the general condition of the subject property described as approximately 4 acres located at 47671 and 47665 Oasis Street, Indio, Riverside County, California. The subject property is a developed site consisting of the Riverside County Juvenile Court building, a paved parking lot, and a landscaped grassy knoll. Surrounding the property are vacant lots and County structures. The current building (15,303 square feet) is used for office space with two court rooms for juvenile offenders. The Administrative Office of the Courts (AOC) plans to demolish the existing building and construct a new court building on the existing juvenile hall yard area, with remaining areas to be used for parking and landscaping.

Real Estate Due Diligence

A Phase I Environmental Site Assessment (ESA) was completed on December 15, 2009, in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments. The Phase I ESA reports no on-site recognized environmental conditions (REC) with the exception of potential soil residue from past agricultural use. Prior to 1980, the land was used for row crops and the soil may contain residuals of pesticides and fertilizers. The report noted this land use as a REC. However, acknowledged presence of residuals in the soil are not usually at concentrations that adversely affect worker health and safety. The soils, if removed during construction on the site, will need to be properly disposed in a classified landfill, if residues are present.

Additionally, due to the age of the building, asbestos containing materials and lead-based paint are suspected. The asbestos and the lead based paint do not pose an immediate threat to the occupants. As these materials are regulated by local, State and federal agencies, the material will be removed, handled, and disposed of in conformance with such rules and regulations that protect the general public from exposure. DGS staff finds that the subject property did not contain any apparent hazards to health and safety or any adverse restrictions for site development.

AOC, as staff agency to the Council, will prepare an Initial Study of environmental impacts of the proposed project pursuant to CEQA. As the AOC prepares the CEQA document, DGS recommends that AOC consider the potential for agricultural residues in the soil and specify mitigation measures to reduce or mitigate any potential health and safety concerns and dispose of contaminated soils in accordance with Health and Safety Code requirements.

Other

- The proposed site meets the Council's size, location, and compatibility requirements.
- The acquisition price shall not exceed the estimated fair market value as indicated in a DGS approved appraisal report. A portion of the acquisition price is proposed to include the purchase of the County's 58.2 percent equity interest in the property.
- The property is encumbered by certain bond indebtedness which will be cleared by the County prior to transfer of title to the State.
- There are no historic issues, implied dedication, or no relocation assistance associated with this project.

Staff Recommendation: Authorize site selection.

CONSENT ITEMS

CONSENT ITEM—6

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW SANTA ROSA CRIMINAL COURTHOUSE
SONOMA COUNTY

AOC Facility Number 49-H1, DGS Parcel Number 10621 and 10622

*Authority: Chapter 311, Statutes of 2008
Chapter 1, Statutes of 2009, Third Extraordinary Session, as amended by
Chapter 1, Statutes of 2009, Fourth Extraordinary Session, Item 0250-301-3138(9)*

Consider authorizing selection of multiple sites

CONSENT ITEMS

STAFF ANALYSIS ITEM—6

Judicial Council of California
Administrative Office of the Courts
New Santa Rosa Criminal Courthouse
Sonoma County

Action Requested

If approved, the requested action would authorize the selection of multiple sites.

Scope Description

This project is within scope. The requested action would authorize site selection of two properties under consideration for the construction of a new Court Facility and associated improvements for use by the Superior Court of California (Court) for judicial, administrative, and related purposes. It is anticipated that one of these two sites will proceed to the acquisition phase. The project will provide a 15-courtroom, 174,000 square foot facility with surface parking, and secure parking for judicial officers and staff in the City of Santa Rosa, Sonoma County. The U.S. Post Office Site, owned by the U.S. Postal Service, is a 2.6 acre property improved with a single-story commercial building and associated parking.

The property is situated in downtown Santa Rosa. Additional parking would be required if this site is selected for the new courthouse. The Sonoma County Site, owned by the County of Sonoma (County), is a 2.9 acre property improved with a surface parking lot on approximately one-half of the site and a vacant building, a former jail, on the other half of the site. This property is situated on the County's administrative campus in the northern portion of the City of Santa Rosa.

Funding and Cost Verification

This project is within cost. Either of the two proposed sites can be acquired with the funds available and in accordance with Legislative intent.

CEQA

Subsequent to the site selection process and in accordance with the California Environmental Quality Act (Public Resources Code Section 21000-21177) and pursuant to Section 15063 of Title 14 of the California Code of Regulations, the Judicial Council of California (Council), acting in the capacity of Lead Agency, will undertake the preparation of a study to determine if the proposed project would have a significant environmental impact. This will be submitted with a future site acquisition application for the selected site.

Project Schedule

The estimated close of escrow is September 2010.

Condition of Property

On December 15, 2009, the Department of General Services (DGS), staff conducted a site visit to assess the general condition of two properties proposed for State acquisition. The U.S. Post Office Site is a 2.6 acre site located at the intersection of E Street and Second Street in downtown Santa Rosa. Topography is nearly level. Improvements consist of a single story post office, a postal carrier distribution facility, a parking lot, and perimeter security fencing. The Sonoma County Site, a 2.9 acre portion of the County of Sonoma Administrative Center Campus, is situated near the intersection of Ventura Avenue and Administrative Drive in northern Santa Rosa. Topography is nearly level. Improvements consist of a three-storied building, landscaping, and restricted and public parking areas. Building and site improvements will be demolished.

No readily apparent health or safety concerns were observed during the DGS site visit. However, DGS staff recommend prior to acquisition a Phase I Environmental Site Assessment and, if the improvements are demolished prior to transfer of title to the state, demolition monitoring and evaluation.

Other

- The proposed sites meet the Council's size, location, and compatibility requirements.
- The acquisition price shall not exceed the estimated fair market value as indicated in a DGS approved appraisal report.
- The U.S. Post Office Site is situated within a redevelopment agency (RDA) plan area. If this site proceeds to the acquisition phase, the RDA will be requested to enter into a Memorandum of Understanding with the state, or adopt a resolution, wherein the RDA waives for the state courthouse project any restriction and control rights it may have under the redevelopment plan or any other implementing document.

- Both proposed sites have building and associated improvements. Demolition of the improvements will be negotiated during the post-site selection period.
- There are no historic issues, implied dedication, or relocation assistance associated with either site.

Staff Recommendation: Authorize selection of multiple sites.

CONSENT ITEMS

CONSENT ITEM—7

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
RENOVATE FRESNO COUNTY COURTHOUSE
FRESNO COUNTY

Authority: Sections 70371.5 and 70371.7 of the Government Code

Consider establishing scope, cost, and schedule

CONSENT ITEMS

STAFF ANALYSIS ITEM—7

Judicial Council of California
Administrative Office of the Courts
Renovate Fresno County Courthouse
Fresno County

ITEM PULLED

CONSENT ITEMS

CONSENT ITEM—8

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW SANTA BARBARA CRIMINAL COURTHOUSE
SANTA BARBARA COUNTY

Authority: Sections 70371.5 and 70371.7 of the Government Code

Consider establishing scope, cost, and schedule

CONSENT ITEMS

STAFF ANALYSIS ITEM—8

Judicial Council of California
Administrative Office of the Courts
New Santa Barbara Criminal Courthouse
Santa Barbara County

ITEM PULLED

CONSENT ITEMS

CONSENT ITEM—9

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
RENOVATION AND ADDITION TO WILLOWS HISTORIC COURTHOUSE
GLENN COUNTY

Authority: Sections 70371.5 and 70371.7 of the Government Code

Consider establishing scope, cost, and schedule

CONSENT ITEMS

STAFF ANALYSIS ITEM—9

Judicial Council of California
Administrative Office of the Courts
Renovation and Addition to Willows Historic Courthouse
Glenn County

ITEM PULLED

CONSENT ITEMS

CONSENT ITEM—10

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
CALIFORNIA MEN'S COLONY
WASTEWATER TREATMENT PLANT UPGRADE
SAN LUIS OBISPO, SAN LUIS OBISPO COUNTY

Authority: Section 28(a) of Chapter 7, Statutes of 2007

Consider establishing project scope, cost, and schedule

CONSENT ITEMS

STAFF ANALYSIS ITEM—10

Department of Corrections and Rehabilitation
California Men's Colony
Wastewater Treatment Plant Upgrade
San Luis Obispo, San Luis Obispo County

Action requested

If approved, the requested action would establish project scope, cost, and schedule.

Scope Description

The California Men's Colony (CMC), Wastewater Treatment Plant (WWTP) Upgrade project proposes to upgrade the existing wastewater treatment chlorination system with a more effective ultraviolet disinfection system. The new system will reduce the formation of trihalomethanes by eliminating the current use of liquid chlorine.

This project is necessary to bring the CMC's WWTP effluent into compliance with a Water Discharge Requirement Order issued by the Central Coast Regional Water Quality Control Board in July 2006 and a Finding of Violation and Order issued by the United States Environmental Protection Agency in July 2009. These violations note

unsatisfactory levels of trihalomethanes, a harmful by-product made when chlorine reacts with organic matter, in the CMC's current wastewater effluent. If unaddressed, the orders could result in hundreds of thousands of dollars in state and/or federal fines and penalties.

The proposed project will include: the ultraviolet system and associated piping, an enclosed emergency generator, an electrical control building to address additional normal and emergency power needs, asphalt paving between the new system and existing roadway, and a roof to shelter the new system. The project will also relocate a fire hydrant.

On January 5, 2010, the Department of Finance notified the chairs of the Joint Legislative Budget, the Senate Appropriations, and Assembly Appropriations Committees of its intent to recommend establishing the scope, cost, and schedule of this project to the State Public Works Board no sooner than 30 days from that date. The 30-day legislative review period for this project has expired without adverse comment.

Funding and Cost Verification

This project is within cost. This action would allocate \$8,633,000 of the \$300 million General Fund appropriated in Section 28(a) of Chapter 7, Statutes of 2007 to complete preliminary plans, working drawings, and construction for this project.

\$8,633,000 total estimated project cost

\$8,633,000 project costs to be allocated: \$594,000 preliminary plans, \$577,000 working drawings, and \$7,462,000 construction (\$5,966,000 contract, \$298,000 contingency, \$355,000 A&E costs, \$615,000 other project costs, and \$228,000 agency retained items)

CEQA

Appropriate CEQA documentation will be completed during the preliminary plans phase.

Real Estate Due Diligence

Real estate due diligence review and a Summary of Conditions Letter will be completed for this project during the preliminary plans phase.

Project Schedule

Approve Preliminary Plans	August 2010
Complete Working Drawings	January 2011
Complete Construction	January 2012

Staff Recommendation: **Establish project scope, cost, and schedule.**

CONSENT ITEMS

CONSENT ITEM—11

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
CALIFORNIA STATE PRISON, CORCORAN
ADMINISTRATIVE SEGREGATION UNIT/ENHANCED OUTPATIENT PROGRAM
TREATMENT AND OFFICE SPACE
CORCORAN, KINGS COUNTY

Authority: Sections 15819.40(c) and 15819.402 - 15819.404 of the Government Code

Consider establishing scope, cost, and schedule

CONSENT ITEMS

STAFF ANALYSIS ITEM—11

Department of Corrections and Rehabilitation
California State Prison, Corcoran
Administrative Segregation Unit/Enhanced Outpatient Program Treatment and Office Space
Corcoran, Kings County

Action Requested

If approved, the requested action would establish scope, cost, and schedule.

Scope Description

This project will design and construct a new 14,625 square foot, two story building adjacent to the existing Administrative Segregation Unit (ASU)/Enhanced Outpatient Program (EOP) housing. This new mental health building will provide adequate treatment and office space to support the existing ASU/EOP beds. Consistent with the court-ordered activation schedule for this project, it is anticipated construction will begin in November 2011, and be completed in February 2013.

The first floor will be the inmate-patient treatment area. This portion of the building will contain one-on-one noncontact treatment rooms, group treatment rooms, a recreation therapy room, a classroom, a treatment team meeting room, a charting area, an inmate-patient waiting area, a storage room, inmate and staff restrooms, and a janitor's closet. The second floor will be a staff-only area that provides appropriate office and administrative space for program staff and clinicians. This portion of the building will include private offices, semi-private offices and work stations, a conference room, a file room, a copy/work room, a staff break room, restrooms, and a janitor's closet.

On January 15, 2010, the Department of Finance notified the chairs of the Joint Legislative Budget, the Senate Appropriations, and Assembly Appropriations Committees of its intent to recommend establishing the scope, cost, and schedule of this project to the State Public Works Board no sooner than 30 days from that date. The 30-day legislative review period for this project has expired without adverse comment.

Funding and Cost Verification

This action would allocate \$17,670,000 of the \$710,940,000 Public Buildings Construction Fund (lease revenue bond authority) appropriated in Section 15819.403(c) of the Government Code to complete design and construction for this project.

\$17,670,000 total estimated project cost

\$17,670,000 project costs to be allocated: \$1,086,000 preliminary plans, \$1,031,000 working drawings, and \$15,553,000 construction (\$11,505,000 contract, \$575,000 contingency, \$685,000 A&E, \$888,000 other project costs, and \$1,900,000 agency retained items)

CEQA

Appropriate CEQA documentation will be completed during the preliminary plans phase.

Real Estate Due Diligence

Real estate due diligence will be completed during the preliminary plans phase.

Project Schedule

Approve preliminary plans	February 2011
Complete working drawings	September 2011
Complete construction	February 2013

Staff Recommendation: **Establish scope, cost, and schedule.**

CONSENT ITEMS

CONSENT ITEM—12

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
CALIFORNIA STATE PRISON, SACRAMENTO
PSYCHIATRIC SERVICES UNIT TREATMENT AND OFFICE SPACE
REPRESA, SACRAMENTO COUNTY

Authority: Sections 15819.40(c) and 15819.402 - 15819.404 of the Government Code

Consider establishing scope, cost, and schedule

CONSENT ITEMS

STAFF ANALYSIS ITEM—12

Department of Corrections and Rehabilitation
California State Prison, Sacramento
Psychiatric Services Unit Treatment and Office Space
Represa, Sacramento County

Action Requested

If approved, the requested action would establish scope, cost, and schedule.

Scope Description

This project will design and construct a new approximately 17,395 square foot, single story building adjacent to existing housing. This building will include two distinct sections separated by a hardened interior wall. One section will be the inmate-patient treatment area and the second section will be a staff only area that provides appropriate office and administrative space for program staff and clinicians. This new mental health building will not include any new housing, but will provide adequate treatment and office space to support the Psychiatric Services Unit (PSU) inmates that will be placed in the existing adjacent housing unit. Consistent with the court-ordered activation schedule for this project, it is anticipated construction will begin in December 2011, and be completed in March 2013.

The inmate-patient treatment portion of the building will contain one-on-one noncontact treatment rooms, group treatment rooms, a recreation therapy room, a classroom, an Interdisciplinary Treatment Team room, a charting area, an inmate-patient waiting area, inmate and staff restrooms, and a storage room. The staff only portion of the building will provide private offices, semi-private work stations, a conference room, a file room, a lockable mailroom, a staff break room, restrooms, and a janitor's closet.

On January 15, 2010, the Department of Finance notified the chairs of the Joint Legislative Budget, the Senate Appropriations, and Assembly Appropriations Committees of its intent to recommend establishing the scope, cost, and schedule of this project to the State Public Works Board no sooner than 30 days from that date. The 30-day legislative review period for this project has expired without adverse comment.

Funding and Cost Verification

This action would allocate \$18,145,000 of the \$710,940,000 Public Buildings Construction Fund (lease revenue bond authority) appropriated in Section 15819.403(c) of the Government Code to complete design and construction for this project.

\$18,145,000 total estimated project cost

\$18,145,000 project costs to be allocated: \$1,153,000 preliminary plans, \$1,073,000 working drawings, and \$15,919,000 construction (\$11,976,000 contract, \$599,000 contingency, \$713,000 A&E, \$922,000 other project costs, and \$1,709,000 agency retained items)

CEQA

Appropriate CEQA documentation will be completed during the preliminary plans phase.

Real Estate Due Diligence

Real estate due diligence will be completed during the preliminary plans phase.

Project Schedule

Approve preliminary plans	March 2011
Complete working drawings	September 2011
Complete construction	March 2013

Staff Recommendation: **Establish scope, cost, and schedule.**

CONSENT ITEMS

CONSENT ITEM—13

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
IRONWOOD STATE PRISON
HEATING VENTILATING AND AIR CONDITIONING PROJECT
BLYTHE, RIVERSIDE COUNTY

Authority: Chapters 268 and 269, Statutes of 2008, Item 5225-301-0001 (16)

Consider recognizing a scope change

CONSENT ITEMS

STAFF ANALYSIS ITEM—13

Department of Corrections and Rehabilitation
Ironwood State Prison
Heating Ventilating and Air Conditioning Project
Blythe, Riverside County

Action requested

If approved, the requested action would recognize a scope change.

Scope Description

This project is not within scope. The Department of Corrections and Rehabilitation requests a scope change to the Ironwood State Prison, Heating, Ventilation, and Air Conditioning (HVAC) project to construct a new chiller plant at Ironwood State Prison (ISP) in lieu of connecting to and expanding Chuckawalla Valley State Prison's (CVSP's) chiller plant to serve ISP. This scope change is necessary because it provides a less costly and more effective project alternative to the original scope.

The Budget Act of 2008 appropriated General Fund monies for preliminary plans to replace ISP's dilapidated cooling system with a closed loop heating, ventilation, and chilled water air-conditioning system. Originally this system was planned to connect into and expand the

chiller plant at neighboring CVSP and would also include the installation of an energy efficient insulating roof membrane and repair of walls damaged as a result of leaks from the existing evaporative cooling units.

This scope change, recommended during an engineering firm's review of the project's preliminary plans, is anticipated to reduce construction costs by \$4,086,000 because of the elimination of 5,000 feet of piping, a booster station, and miscellaneous work hours. Ongoing energy efficiency savings is also anticipated for the 30-year life expectancy of the HVAC system due to the new, closer proximity of the chiller plant to the ISP facility.

On January 21, 2010, the Department of Finance notified the chairs of the Joint Legislative Budget, the Senate Appropriations, and Assembly Appropriations Committees of its intent to recommend approving the scope change of this project to the State Public Works Board no sooner than 20 days from that date. The 20-day legislative review period for this project has expired without adverse comment.

Funding and Cost Verification

This project is within cost. The Budget Act of 2008 appropriated \$5,758,000 General Fund for preliminary plans. It is anticipated funding for working drawings and construction will be requested in fiscal years 2011-12 and 2012-13, respectively.

\$ 5,758,000	total authorized project cost
\$148,873,000	total estimated project cost
\$ 5,758,000	project costs previously allocated: \$5,758,000 preliminary plans
\$143,115,000	project costs to be allocated: \$10,635,000 working drawings, and \$132,480,000 construction (\$107,919,000 contract, \$7,554,000 contingency, \$6,421,000 A&E costs, \$8,442,000 other project costs, \$2,129,000 agency retained items, and \$15,000 group II equipment)

CEQA

A notice of Exemption was filed with the State Clearing house on January 16, 2009, and the statute of limitations expired on February 20, 2009, without adverse comment.

Real Estate Due Diligence

Real estate due diligence review and a Summary of Conditions Letter will be completed for this project during the preliminary plans phase.

Project Schedule

Approve Preliminary Plans	April 2010
Complete Working Drawings	June 2012
Complete Construction	October 2014

Staff Recommendation: Recognize scope change.

CONSENT ITEMS

CONSENT ITEM—14

DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
CALIFORNIA MEN'S COLONY
50-BED MENTAL HEALTH CRISIS BED FACILITY
SAN LUIS OBISPO, SAN LUIS OBISPO COUNTY

Authority: Sections 15819.40(c) and 15819.402 - 15819.404 of the Government Code

Consider:

- a. approving preliminary plans
- b. recognizing revised project costs

CONSENT ITEMS

STAFF ANALYSIS ITEM—14

Department of Corrections and Rehabilitation
California Men's Colony, 50-bed Mental Health Crisis Bed Facility
San Luis Obispo, San Luis Obispo County

Action Requested

If approved, the requested action would approve preliminary plans and recognize revised project costs.

Scope Description

This project is within scope. This project will design and construct a 50-bed Mental Health Crisis Bed (MHCB) facility that will provide the housing, treatment, and office space necessary to help stabilize inmate-patients experiencing a state of mental health crisis. This facility will be substantially similar to the 50-bed MHCB facility recently completed at the California Medical Facility.

In October 2006, the *Coleman* court ordered the Department of Corrections and Rehabilitation (CDCR) to include in its long term mental health bed plan a 50-bed MHCB project at the California Men's Colony (CMC). In response, this project was included in the Mental Health Bed

Plan submitted to the *Coleman* court in December 2006. In March 2007, the court ordered the CDCR to complete and occupy the 50-bed MHCB at CMC as soon as possible. Consequently, funding for this project was requested in the Budget Act of 2007.

The Budget Act of 2007 included provisional language directing the CDCR to fund the design and construction of this project from the funds appropriated in Section 15819.403(a) of the Government Code (AB 900, Phase I) for medical, dental, and mental health projects. This provision was contingent on Department of Finance (Finance) certification that the *Coleman* Court resolved the 50-bed MHCB facility would be constructed rather than the larger consolidated care center that had been proposed at CMC. On April 24, 2008, Finance sent this certification to the Legislature. Moreover, on March 24, 2009 the *Coleman* Court ordered the Administration to get this project started within 30 days.

Funding and Cost Verification

This project is within cost. Recognized project costs were \$63,715,000 when scope, cost and schedule were originally established in April 2009. At the completion of preliminary plans, a new project cost estimate was prepared. Based on this new estimate, the costs for this project have decreased by \$7,393,000. This action will recognize revised project costs of \$56,322,000.

\$63,715,000	total authorized project cost
\$56,322,000	total estimated project cost
\$63,715,000	project costs previously allocated: \$3,867,000 preliminary plans, \$4,056,000 working drawings, \$55,792,000 construction (\$43,640,000 contract, \$2,182,000 contingency, \$2,833,000 A&E, \$3,510,000 other project costs, and \$3,627,000 agency retained items)
\$ 7,393,000	project cost decrease: \$1,202,000 working drawings, \$6,191,000 construction (\$5,840,000 contract, \$292,000 contingency, \$207,000 A&E, \$201,000 other project costs, and an increase of \$349,000 agency retained items)

CEQA

A Notice of Determination was filed with the State Clearinghouse on January 7, 2010, and the statutes of limitation expired on February 6, 2010. However, a legal challenge to the CEQA review completed for this project has been filed and is pending resolution.

Real Estate Due Diligence

The Department of General Services completed a Summary of Conditions Letter for this project on February 9, 2010 and it is noted that no significant issues were identified.

Project Schedule

Approve preliminary plans	February 2010
Complete working drawings	August 2011
Complete construction	July 2012

Staff Recommendation: **Approve preliminary plans and recognize revised project costs.**

ACTION ITEMS

ACTION ITEM—1

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW SAN ANDREAS COURTHOUSE, CALAVERAS COUNTY
AOC Facility Number 5-C1

*Authority: Chapters 171 and 172, Statutes of 2007, Item 0250-301-3037 (0.5)
Chapters 268 and 269, Statutes of 2008, Item 0250-301-3037 (0.5),
as reappropriated by the Budget Act of 2009*

Consider recognizing a scope change

ACTION ITEMS

STAFF ANALYSIS ITEM—1

Judicial Council of California
Administrative Office of the Courts
New San Andreas Courthouse

Action Requested

If approved, the requested action would recognize a scope change.

Scope Description

This project is not within scope. The authorized project scope provides for a new four-courtroom, 39,900 square foot (sf) facility on a approximately 7-acre site in San Andreas. This project will consolidate court operations by replacing inadequate and obsolete facilities and provide increased security. The proposed scope change would increase the footprint of the courthouse from 39,900 square feet to 44,600 square feet, an increase of approximately 11.7 percent; however, the number of courtrooms (4) for this facility will not change.

The proposed increase in the cumulative square footage is attributable to essential court related support functions such as: restrooms, building support, and mechanical and electrical support spaces. When developing the detailed scope description for this project, the Administrative Office of the Courts (AOC) didn't account for the full programmatic need. Subsequently, the Judicial Council identified the cumulative space deficiency during the beginning of the schematic design portion of the preliminary plan phase. The project is currently approaching 50 percent completion of the schematic designs.

This request would not increase the estimated construction costs for the project above previously recognized costs, as the AOC and the Construction Manager at Risk (CMR) were able to keep costs at the estimated levels through a series of cost reconciliation and value engineering exercises. For example, the AOC was able to re-site the building on the property which minimized earth work and the number of retaining walls and make adjustments in materials such as carpeting and tile. The largest project savings were realized in the amount of steel required for the structure. The AOC, along with advice from the CMR and structural engineers, was able to propose using stronger steel which allowed the AOC to use less steel for the building while still maintaining the seismic integrity of the structure. This resulted in significant materials cost avoidance for the project.

A 20-day letter was sent to the Legislature on January 21, 2010, and the 20-day review period has expired with no adverse comments.

Funding and Cost Verification

This project is within cost. The construction cost estimate at 50 percent completion of preliminary plans (100 percent design development) indicates that the estimated construction cost reflects the anticipated construction bids.

\$45,364,000	total authorized project costs
\$45,364,000	total estimated project costs
\$ 2,538,000	project costs previously allocated: \$845,000 acquisition and \$1,693,000 preliminary plans
\$42,826,000	projects costs to be allocated: \$2,397,000 working drawings and \$40,429,000 construction (\$35,938,000 contract, \$1,797,000 contingency, \$603,000 A&E, and \$2,091,000 other project costs)

CEQA

A Notice of Determination was filed with the State Clearinghouse on April 29, 2009. The 30-day statutes of limitation expired on May 28, 2009, without challenge.

Real Estate Due Diligence

A Phase 1 Environmental Site Assessment was prepared on July 30, 2008, for the site. No items of concern were identified. There is no relocation assistance involved with this project, nor is there any implied dedication involved with this project.

Project Schedule

Approve preliminary plans	April 2010
Complete working drawings	December 2010
Complete construction	September 2012

Other

- The AOC requests a scope change to increase the footprint of the courthouse from 39,900 square feet to 44,600 square feet, an increase of approximately 11.7 percent; however, the number of courtrooms (4) for this facility will not change. While the revised design of this building was not authorized by the Finance or recognized by the Board or the Joint Legislative Budget Committee, the AOC has incorporated the increased square footage in the design work for this project. The project is currently approaching 50 percent completion of the schematic designs.
- To avoid these oversights in the future, the AOC has implemented the following procedural changes:
 - Project Managers (PM) have been notified that any increase/decrease in project square footage over the approved amount must be considered a change of scope.
 - Additional training is occurring to remind staff of the importance of updating all information on the monthly progress reports, provided to Finance.
 - Design and Construction Project Managers will be meeting with PMs regularly and are required to confirm documents submitted to the Board for approvals to ensure accuracy.
 - Increased participation and communication between Business and Planning and Project Managers to assist in addressing potential impacts to scope and costs.

Staff Recommendation: Recognize scope change.

ACTION ITEMS

ACTION ITEM—2

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW HOLLISTER COURTHOUSE, SAN BENITO COUNTY
AOC Facility Number 35-C1

*Authority: Chapters 171 and 172, Statutes of 2007, Item 0250-301-3037 (5.5)
Chapters 268 and 269, Statutes of 2008, Item 0250-301-3037 (5.5),
as reappropriated by the Budget Act of 2009*

Consider:

- a. recognizing a scope change
- b. approving preliminary plans

ACTION ITEMS

STAFF ANALYSIS ITEM—2

Judicial Council of California
Administrative Office of the Courts
New Hollister Courthouse

Action Requested

If approved, the requested action would recognize a scope change and approve preliminary plans.

Scope Description

This project is not within scope. The authorized project scope provides for a new 3-courtroom, 36,500 square foot facility on a 3.1 acre site in the town of Hollister. The project will consolidate court operations by replacing inadequate and obsolete facilities and provide increased security. The proposed scope change would increase the footprint of the courthouse from 36,500 square feet to 41,500 square feet, an increase of approximately 13.7 percent; however, the number of courtrooms (3) for this facility will not change. The proposed increase in the cumulative square footage is attributable to essential court related support functions such

as: restrooms, building support, and mechanical and electrical support spaces. When developing the detailed scope description for this project, the Administrative Office of the Courts (AOC) didn't account for the full programmatic need. Subsequently, the Judicial Council identified the cumulative space deficiency during the schematic design portion of the preliminary plan phase. This request would not increase the estimated construction costs for the project above previously recognized costs, as the AOC and the Construction Manager at Risk (CMR) were able to keep costs at the estimated levels through a series of cost reconciliation and value engineering exercises. For example, the AOC was able to reduce landscaping costs and make adjustments in materials such as carpeting and tile. The largest project savings were realized in the amount of steel required for the structure. The AOC, along with advice from the CMR and structural engineers, was able to propose using stronger steel which allowed the AOC to use less steel for the building while still maintaining the seismic integrity of the structure. This resulted in significant materials cost avoidance for the project.

A 20-day letter was sent to the Legislature on January 21, 2010, and the 20-day review period expired with no adverse comments.

Funding and Cost Verification

This project is within cost. The construction cost estimate at the end of preliminary plans (100 percent design development) indicates that the estimated construction cost reflects the anticipated construction bids.

\$37,378,000	total authorized project costs
\$37,378,000	total estimated project costs
\$ 1,919,000	project costs previously allocated: \$541,000 acquisition and \$1,378,000 preliminary plans
\$35,459,000	projects costs to be allocated: \$1,951,000 working drawings and \$33,508,000 construction (\$29,796,000 contract, \$1,490,000 contingency, \$491,000 A&E, and other project costs \$1,731,000)

CEQA

A Notice of Determination was filed with the State Clearinghouse on May 7, 2009. The 30-day statutes of limitation expired on June 6, 2009, without challenge.

Project Schedule

Approve preliminary plans	February 2010
Complete working drawings	November 2010
Complete construction	August 2012

Real Estate Due Diligence

A Phase I Environmental Site Assessment was prepared on August 12, 2008, for the site. A Phase II Environmental Site Assessment was prepared on September 10, 2008, for the site. With the exception of the discovery of arsenic, no items of concern were identified. All metals concentrations were below acceptable levels. There is no relocation assistance involved with this project, nor is there any implied dedication involved with this project. Demolition activities concluded on March 24, 2009. All work was completed in accordance with project specifications.

Other

- The AOC requests a scope change to increase the footprint of the courthouse from 36,500 square feet to 41,500 square feet, an increase of approximately 13.7 percent; however, the number of courtrooms (3) for this facility will not change. While the revised design of this building was not authorized by the Finance or recognized by the Board or the Joint Legislative Budget Committee, the AOC has incorporated the increased square footage in the completed design work for this project.
- To avoid these oversights in the future, the AOC has implemented the following procedural changes:
 - Project Managers (PM) have been notified that any increase/decrease in project square footage over the approved amount must be considered a change of scope.
 - Additional training is occurring to remind staff of the importance of updating all information on the monthly progress reports, provided to Finance.
 - Design and Construction Project Managers will be meeting with PMs regularly and are required to confirm documents submitted to the Board for approvals to ensure accuracy.
 - Increased participation and communication between Business and Planning and Project Managers to assist in addressing potential impacts to scope and costs.

Staff Recommendation: Recognize a scope change and approve preliminary plans.

ACTION ITEMS

ACTION ITEM—3

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
NEW SUSANVILLE COURTHOUSE
LASSEN COUNTY

AOC Facility Number 18-C1

*Authority: Chapters 171 and 172, Statutes of 2007, Item 0250-301-3037 (1.5)
Chapters 268 and 269, Statutes of 2008, Item 0250-301-3037 (1.5)
Chapter 1, Statutes of 2009, Item 0250-301-0660 (1)*

Consider recognizing a scope change

ACTION ITEMS

STAFF ANALYSIS ITEM—3

Judicial Council of California
Administrative Office of the Courts
New Susanville Courthouse

Action Requested

If approved, the requested action would recognize a scope change.

Scope Description

This project is not within scope. The project scope provides for a new three-courtroom, 36,600 square foot (sf) facility on an approximately 5.4 acre site in Lassen. This project will consolidate court operations by replacing inadequate and obsolete facilities and provide increased security. The proposed scope change would increase the footprint of the courthouse from 36,600 square feet to 42,300 square feet, an increase of approximately 15.5 percent; however, the number of courtrooms (3) for this facility will not change. The proposed increase in the cumulative square footage is attributable to essential court related support functions such as: restrooms, building support, and mechanical and electrical support spaces. When developing the detailed scope description for this project, the Administrative Office of the Courts (AOC) didn't account for the full programmatic need. Subsequently, the AOC identified the cumulative space deficiency during the schematic designs. The estimated construction costs for this project are within the approved amount. This request would not increase the estimated construction costs for these projects above previously recognized costs, as the AOC and the

Construction Manager at Risk were able to keep costs at the estimated levels through a series of cost reconciliation and value engineering exercises.

The AOC received approval of preliminary plans at the August 2009 meeting, which noted that the overall square footage of the facility was 36,600 square feet; however, the preliminary plan design was actually 42,300 square feet. State Public Works Board (Board) staff were not informed of the increased building footprint, nor was it noted to the Board at the August 2009 meeting. AOC staff discovered the error in November of 2009 during a review of the first draft of the drawings.

Prior to alerting Finance of the increased square footage, the AOC requested an internal audit be conducted to identify the breakdown in communication and determine whether or not square footage could be reduced to original scope. This included identification of alternatives and associated impact on cost and schedule of each alternative considered. A complete cost and schedule analysis was completed to determine if the building could be reduced in size and at what cost. It was determined that a reduction to the original 36,600 sf could not be accomplished without significant program cuts and court process impacts. Reducing the program did not have as significant impact on court functions; however costs for construction delays were estimated at \$900,000. This is primarily due to the limited construction window as snow fall excludes site work from being performed from November through February. Based upon the results of the internal audit, the AOC determined the best course of action was to notify Board staff and request a scope change.

A 20-day letter was sent to the Legislature on January 21, 2010, and the 20-day review period expired with no adverse comments.

Funding and Cost Verification

This project is within cost.

\$38,937,000	total authorized project costs
\$38,937,000	total estimated project costs
\$ 2,538,000	project costs previously allocated: \$1,478,000 acquisition, \$1,465,000 preliminary plans, and \$2,075,000 working drawings
\$33,919,000	projects costs to be allocated: \$33,919,000 construction (\$30,068,000 contract, \$1,503,000 contingency, \$522,000 A&E costs, and \$1,826,000 other project costs)

CEQA

A Notice of Determination was filed with the State Clearinghouse on September 9, 2008. The 30-day statute of limitations expired on October 8, 2008, without challenge.

Real Estate Due Diligence

A Phase I Environmental Site Assessment was prepared on February 27, 2008, for the site. No items of concern were identified. All metals concentrations were below acceptable levels. There is no relocation assistance involved with this project, nor is there any implied dedication involved with this project.

Project Schedule

Approve preliminary plans	August 2009
Complete working drawings	April 2010
Complete construction	October 2011

Other

- The AOC requests a scope change to increase the footprint of the courthouse from 36,600 square feet to 42,300 square feet, an increase of approximately 15.5 percent; however, the number of courtrooms (3) for this facility will not change. While the revised design of this building was not authorized by the Finance or recognized by the Board or the Joint Legislative Budget Committee, the AOC has incorporated the increased square footage in the completed design work for this project. This project is currently approaching 90 percent completion of working drawings.
- To avoid these oversights in the future, the AOC has implemented the following procedural changes:
 - Project Managers (PM) have been notified that any increase/decrease in project square footage over the approved amount must be considered a change of scope.
 - Additional training is occurring to remind staff of the importance of updating all information on the monthly progress reports, provided to Finance.
 - Design and Construction Project Managers will be meeting with PMs regularly and are required to confirm documents submitted to the Board for approvals to ensure accuracy.
 - Increased participation and communication between Business and Planning and Project Managers to assist in addressing potential impacts to scope and costs.

Staff Recommendation: Recognize scope change.

OTHER BUSINESS

NONE

REPORTABLES

To be presented at the meeting.